

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/23/2019

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DISH NETWORK L.L.C., et al.,

Plaintiffs,

-against-

ASIA TV USA LTD., et al.

Defendants.

Case No. 19-CV-00021 (VSB)

**CASE MANAGEMENT PLAN AND
[PROPOSED] SCHEDULING ORDER**

VERNON S. BRODERICK, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court adopts the following Case Management Plan and Scheduling Order:

1. The parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).
2. The parties have engaged in extensive settlement negotiations, dating back, at least, to January, 2019.
3. This case is to be tried to a jury.
4. Except as provided by Rule 15 of the Federal Rules of Civil Procedure, no additional parties may be joined without leave of the Court.
5. Defendants intend to file an Answer with Counterclaims to Plaintiffs' First Amended Complaint on or about September 3, 2019. Except as provided by Rule 15 of the Federal Rules of Civil Procedure, no additional causes of action or defenses may be asserted after Defendants file their Answer and Counterclaims without leave of the Court.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than October 11, 2019. This date allows the parties to convene a Rule 26(f) conference after Plaintiffs submit their response to Defendants impending Answer and Counterclaims, which response will be due on or about September 24, 2019.
7. All fact discovery is to be completed no later than April 15, 2020. Defendants believe that this date is necessary for the completion of all fact discovery, as Defendants intend to file a series of counterclaims which will likely expand the

nature and scope of this litigation, to which Plaintiffs will need time to respond. Both parties will need appropriate time to develop the necessary factual record, which may require testimony from witnesses outside the district and, potentially, outside the country.

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
 - a. Initial requests for production of documents shall be served by October 7, 2019.
 - b. Interrogatories shall be served by January 31, 2020.
 - c. Depositions shall be completed by April 15, 2020.
 - i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority for depositions by reason of a party's status as a plaintiff or a defendant.
 - iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
 - d. Requests for admissions shall be served no later than March 16, 2020.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by June 15, 2020.
10. All discovery shall be completed no later than June 15, 2020.
11. The Court will conduct a post-discovery conference on July 16, 2020 at 11:00 a.m.. No later than two weeks in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action. If either party contemplates filing a dispositive motion, the parties should be prepared to discuss a briefing schedule at the post-discovery conference.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due 30 days from the close of discovery, or if any dispositive motion is filed, 30 days from the Court's decision on such motion. This case shall be trial ready 60

days from the close of discovery or from the Court's decision on any dispositive motion.

13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
- a. _____ Referral to a Magistrate Judge for settlement discussions.
 - b. _____ Referral to the Southern District's Mediation Program.
 - c. X Retention of a private mediator.


The parties have engaged in extensive settlement negotiations from January 2019 to June 2019, and Defendants respectfully submit that the parties should conclude their private mediation prior to the commencement of formal discovery, namely, October 11, 2019.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length of trial is 1 ½ to 2 weeks.

SO ORDERED.

Dated: August 23, 2019
New York, New York


Vernon S. Broderick
United States District Judge